Minutes of a Regular Meeting

Approved 7/10/03

Town of Los Altos Hills PLANNING COMMISSION

Thursday, June 12, 2003, 7:00 p.m. Council Chambers, 26379 Fremont Road

cc: Cassettes (2)#06-03

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Vitu, Commissioners Clow, Cottrell, Kerns & Wong

Staff: Carl Cahill, Planning Director; Mintze Cheng, City Engineer; Angelica Herrera, Assistant Planner; Debbie Pedro, Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. <u>PUBLIC HEARINGS</u>

- 3.1 Amendment to the Zoning Code Ordinance with regard to Residential Care Facilities as a permitted accessory use and structure, Section 10-1.702. (staff-Angelica Herrera) (continued to July 10, 2003)
- 3.2 LANDS OF PURISSIMA HILLS WATER DISTRICT/AT&T, 26451 Ascension Drive (41-03-CUP-VAR); A request for a Conditional Use Permit for a wireless communication facility and a variance to exceed the maximum development area allowed for the property. (staff-Debbie Pedro)

Staff introduced this item by reviewing the staff report, the variance request, and the recommendation for a conservation easement to be dedicated on the western, southern and eastern portions of the lot to mitigate the excessive development on the site and protect areas from further development. It was also noted that the proposed wireless communications facility at the Water District site will provide wider cellular phone coverage to the northeast portion of the Town. Government Code Section 53091 was also addressed.

OPENED PUBLIC HEARING

Rich Hildebrand, AT&T representative, 651 Gateway Blvd, So. San Francisco, had previously discussed the recommendation for a conservation easement with the Patrick Walters with the Water District and Town staff. All were in agreement with the proposal. Mr. Hildebrand did not feel a conservation easement would effect the AT&T project.

The Planning Director discussed the slopes on the site and the fact that some of the existing development should have had Town approval. He would like to keep those areas as indicated on Attachment 6 undeveloped.

CLOSED PUBLIC HEARING

Commissioner Cottrell felt the applicant had gone to great lengths to come to an agreement with the neighbors as well as the Water District. The remaining Commissioners were also in agreement noting the development fits the site and it is not visible from off site.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Clow to approve the request for a Conditional Use Permit for a wireless communication facility and a variance to exceed the maximum development area allowed for the property, Lands of Purissima Hills Water District/AT&T Wireless, 26451 Ascension Drive, and forward a recommendation of approval to the City Council for the requested Conditional Use Permit with the recommended conditions of approval and variance findings.

AYES: Chairman Vitu, Commissioners Kerns, Wong, Clow & Cottrell

NOES: None

This item will be scheduled for a City Council agenda.

3.3 LANDS OF WADHWANI, 26170 Fremont Road (62-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. (staff-Angelica Herrera)

Staff introduced this item indicating the request to remove all proposed up-lights and the removal of all plantings from the storm drain easement. The applicant understands that the proposed trees and shrubs in the storm drain easement are not in conformance with the Town's general law of easement and is requesting that the project be considered in its current state. The Town needs to have vehicular equipment access over the easement in order to maintain it properly. Planting trees over the storm drain easement does not allow for vehicular equipment access. The Town Public Works Department does not recommend approval of planting trees and shrubs in the easement and the storm drain easement is currently within the 100 year FEMA flood zone. Condition 7 recommends the proposed trees and shrubs be moved outside the storm drain easement area.

Mintze Cheng, City Engineer, reiterated the request for no plantings in the storm drain easement as the Town crew will need access to the channel for cleanup. This issue has been discussed with the applicants. Currently, there is very limited access and the landscaping would impede access

OPENED PUBLIC HEARING

Tom Klope, 960 N. San Antonio Road, Los Altos, project architect, noted the approval of the new residence approximately two years ago. They have spent the last two years preparing the landscape plan for presentation tonight. Since that time they have purchased 57 specimen trees from California, Washington and Oregon which have been relocated and are under contract in a growing yard in San Jose. They provided a color rendering of the house with the siting of the proposed trees. They proceeded with the planting of the drainage easement channel because it was requested by the Commission two years. None of the California native (trees and shrubs) plant material goes into the rock work or into the drainage channel itself but only plantings that are on the level area before you get channel. Access to the area even without plantings is impossible for vehicles. There are two locations where the dimension between the fence and top of the drainage channel is only three feet in width. At the time of the approval for the fencing which they put in on the project, the Town asked that they put in three man-gates which provide access from the Wadhwani property into that easement area which are currently installed per plan. The area has been planted heavily with native trees and shrubs because of the limited screening on that side of the of property. If they were not allowed to plant in that area they would have less than 15 feet between the fence and the two story structure. The major utilities going into the project and back to the guest house are also in that area which limits plants of large specimens. He asked to be allowed to plant the drainage easement area because they do not believe it impedes access to the site as access would have to be by foot anyway. Their legal counsel for the project asked that they make sure if they are not allowed to plant in that area, they are not condemning that portion of the property that belongs to the Wadhwani's. They have no problem with removing the up-lighting as mentioned by staff as they were for future sculpture placement.

Mintz Cheng, City Engineer, noted that there are some areas that they will only be able to rely on manual labor. However, there is a front portion of the property with 10 feet of room that a smaller haul away truck may be able to access to help remove any debris, etc. Right next to the storm drain easement is the utility easement so they do have access next to Fremont Road. She noted that this plan has full landscaping and irrigation within the storm drain easement. It is always Town policy that storm drains need to be clear. Vehicular access would only be for the first 100 feet. The concern was that 10 to 15 years from now, if the landscaping is not maintained well, it will become a liability of the Town. The full landscaping will eventually cause more debris and cleanup, again asking that there be no landscape irrigation within the storm drain easement.

Tom Klope stated what they are trying to do is to make the conservation easement beautiful and screen the house from the surrounding properties. They are very limited to plant closer to the house with substantial trees. Currently there is no vehicular access. He felt they could adjust the trees and shrubs up as close to the fence line as possible to preserve as much of the free board side of the level area so there is man or cart access in that area.

Sandy Humphries, Environmental Design Committee, stated that the Committee had previously recommended keeping the 10 foot easement. The area is needed to maintain the creek. She noted three concerns: (1) one tree along the creek area should be removed; (2) the creek end closest to Fremont Road does not follow the property line (on her property); and (3) the air conditioner unit and generator will be in the front area on Fremont Road. There is already a generator across the street put in by Pac Bell which is very noisy. She was concerned that they would have yet another generator on their other side which would also be noisy. She further discussed the up-lighting and requested the switch boxes also be removed.

Steve Bristow, 12355 Hilltop Drive, felt landscaping will create more stuff in the creek for the Town to maintain. Also, the access should be at least large enough to accommodate a truck.

Dave Pefley, 26169 Maurer Lane, requested that the screening between his house and the Wadhwani guest house be high enough to obscure the guest house. Also, when the security guard makes his nightly rounds at 11 p.m., his light shines directly into his bedroom. He requested adequate screening to avoid this situation. He further discussed the generator, noting two other generators in the neighborhood (noise issue). He asked that this one be shielded for noise control. In conclusion, he requested that the color of the domes adhere to roof reflectivity value standards.

Fred Osterlund, 26238 Fremont Road, discussed plantings in the area by the security fence. He was pleased with the plantings chosen although he was concerned with the layout of the native plants along the common property line which should be planted randomly. Also, some of those specimens are large. Since the area is a wind tunnel in the winter, he suggested starting out with smaller specimen which will not need to be cabled for protection. He further discussed possible ground cover in the creek area.

Mr. Klope appreciated the input on the native plant material. The generator is under construction and is contained within a wall and not within a setback. He felt the sound proofing was adequate. Staff also felt the sound walls were effective as the decibel levels were read. Mr. Klope continued noting that the headlights will not go beyond the main residence. With respect to the height of the plant material, at the time of the original Commission approval for the project, it was requested that the plant material around the project not exceed the 27 foot limitation of the house.

CLOSED PUBLIC HEARING

The Planning Director addressed the landscaping along the flood creek channel, based on code, Chapter 7, Flood Plain Management, it notes that the City Council should hear and decide appeals when it is alleged there is an error in any requirements, decision, or determination made by the Floodplain Administrator (Mintze Cheng, City Engineer) in the enforcement or administration of this ordinance. The landscaping is not actually in a flood plain but along a flood plain. It has the potential of creating obstructions i.e. vegetation. He suggested forwarding a recommendation to the City Council as to whether or not the landscaping should be in this area, and act on the remaining landscape plan.

Commissioner Kerns commended the applicant and landscape architect for the amount of trees and shrubbery. However, he was concerned with the drainage easement area. He was also concerned with the switch outlets requesting their removal, and with the noise from the generator suggesting additional sound proofing.

Commissioner Clow agreed noting with a potential flooding situation and maintaining a creek, the City Engineer should rule on this issue, hopefully working with the applicants to figure out a way to keep some of the vegetation and have access to the man gates. He also discussed the removal of the switch boxes, the diversion of headlights onto the neighboring property, and the generator being contained within a wall.

Commissioner Wong felt this was a great landscape plan although he shared the same concerns regarding drainage. Access is needed. The decision should be made by the City Engineer. Regarding the generator, he recommended staff review the possibility of having the walls on the generator be 6 feet in height (out of setbacks).

Commissioner Cottrell also felt this was a good landscape design. There is a need to do something regarding the drainage easement area which should be the decision of the City Engineer. It is a difficult situation because screening is needed. He suggested working with the neighbors regarding plantings. Regarding the generator, he suggested a review by an acoustical engineer. Much can and should be done.

Commissioner Vitu also felt this was a very complete and beautiful landscaping plan. Regarding planting in the storm drain easement, she felt there were two issues: access, and more maintenance with the plantings so close to the creek. Hopefully some type of compromise can be reached to serve all of the purposes. Regarding the generator, she felt it was a good idea to have some type of acoustical screening.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns and seconded by Commissioner Cottrell to approve the requested Site Development Permit for a landscape screening plan, Lands of Wadhwani, 26170 Fremont Road, with the following additions/changes to the conditions of approval: work with the City Engineer regarding screening in the drainage easement area; remove the switch outlets under the trees as shown on the plans; provide screening to avoid headlights onto adjacent properties; staff review of acoustical report; and work with staff regarding sound proofing of the generator.

AYES: Chairman Vitu, Commissioners Cottrell, Clow, Wong & Kerns

NOES: None

The Planning Director, for clarification, noted that the Commission has approved the landscaping plan. If staff and the applicant cannot resolve the storm drainage easement area access issue, the applicant can then appeal that determination by the City Engineer to the City Council.

This approval is subject to a 23 day appeal period.

3.4 LANDS OF KORMAN, 26157 Altadena Drive (80-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan. (staff-Angelica Herrera)

Staff introduced this item, reviewing the staff report as it relates to the neighbors and requesting additional trees for screening. The applicant had consulted with adjacent neighbors and with the Environmental Design Committee. However, staff has received correspondence from several neighbors expressing concern regarding the number, placement and height of the proposed trees and landscaping. In response, staff recommended additional trees along the north and eastern side of the property and also recommended that the trees on the western side be installed at a 20 foot height. Since the Environmental Design Committee considers this plan to follow the Town's landscape guidelines as best as possible, staff is in agreement to allowing 15 foot trees along the western property side instead.

OPENED PUBLIC HEARING

Siobhan Korman, 26157 Altadena Drive, stated it was her hope and belief to receive approval and to get on with their lives. It is important to them to have neighborly relations. They have always had good faith and the issues here are not always black and white, and require good will and good faith from all sides. She noted that they have had very positive discussions with most of their neighbors and they only need the approval of the Commission this evening. The most important point in the landscape guidelines is that it is to mitigate, not obliterate. Aesthetics are in the eye of the beholder. Any large new home would be in the faces of their neighbors on Snell Lane. She understands that everyone has enjoyed the previously beautiful open space but the reality is that it is their property. She further discussed the northeast corner of the property. They have had a very positive discussion with their neighbors (Newhagens) regarding planting three additional trees with their help to pinpoint the needed area. The Clevengers have no additional request for screening. They have been working with the Combs (to the south) toward mutual screening satisfaction along the property line. When they were before the Commission for the second story revision on the back of their house, one condition of approval was to include a 20 foot screening. They hired an arborist. The result was that, at some point, the evergreens at maturity, will create a far reaching canopy of shade on both sides of the property. At this point, they turned the Environmental Design Committee for their guidance. What you see on the plan is what they suggested. They also consulted with nurseries and landscape professionals to learn about species and growth rate. Apparently the only 20 foot trees available are California redwoods which at maturity cause shading problems. For a better choice, they are proposing California Pepper trees which come at 15 feet. If the neighbors would like, they could add berm

height which would add an extra perch to the trees. The growth rate is excellent (2-3 feet a year) so in three years time they could be 24-27 feet high, if started on berms. The height of the second story is 24.8 feet. They are proposing six Pepper trees to screen the two story section of the house. For the one story section, they are suggesting three redwoods which come in a cluster in 24" boxes with a height of 12 feet high; with a berm, 15 feet high. This would instantly create screening on that section. She further discussed other recommendations from the Environmental Design Committee. She noted that in the northwest corner, there already exists a good many mature trees which provide screening for the driveway section. She felt the neighbors would be pleased that they are not putting in the proposed pool on the western side of the property. They have tried very hard to submit a plan that would accomplish adequate and appropriate screening.

Sandy Humphries, Environmental Design Committee, corrected "Pepper tree" which comes from Spain to "Pepperwood" tree which is a Bay Laurel.

Bob Glazebrook, 26623 Snell Lane, west of the Korman property had submitted a detailed letter with photos attached for review. In December, 2000, the Kormans submitted a screening plan which consisted of 33 trees with a three foot berm along the western border. Since that time the Kormans have submitted a significantly revised plan for only nine trees. When you take into account the size of the house, the color, and unusual design and the placement, it becomes clear that the original screening plan was inadequate. The revised screening plan is greatly inadequate. A resolution to the screening would include some combination of the original plan and the recommendations of the Environmental Design Committee. The plan should include larger trees at least 18-20 feet in height and more of them would get them closer to a more appropriate plan.

Mike Huffman, previous owner at 26590 Snell Lane who recently purchased another home in the Hills and now is in the process of selling the Snell Lane home. He had provided a letter and photos regarding this project. Their property shares 200 feet with the Kormans. The home is in full view on the west side and the south side. The structure is over 100 feet long and is painted the color of wet cement. He asked that the plan be modified to include the use of a number (10-15) of 20 foot mature trees, with an additional 20 or so smaller trees along his property lines, placed to effectively screen their house from this home and yard. The trees should be evergreen providing outstanding long-term screening potential. He would like to see an increase in number of trees, replacing the three 8-10 foot trees with 20 foot trees and have a little more screening around the south end which is completely visible. Also, there is a gap between the redwood trees and the proposed Pepper trees. They would like to see some coverage there (need some bulk and mass there).

Stefanie Jeffrey, 26627 Snell Lane, formerly 26590 Snell Lane which was sold to the Huffmans. She was concerned with the neighborhood (Snell Lane) of 2-3 million dollar homes with a certain charm. When you get to the top of the hill you see the big, boxy structure of the Korman home painted gray, resembling a prison. When this house went through the approval process it was understood that it would be very well screened. She further discussed the impact of this house on neighboring property values. Her concerns were from the west side of the property.

Josh Korman, 26157 Altadena Drive, discussed the process for the original approval with the same neighbors opposing the project. There has always been a two story component to the house. They definitely want to help screen the house. He referred to comments by Mr. Glazebrook, noting the screening plan they had developed by an arborist after the Planning Commission meeting was never submitted. The copy he saw was the copy they first showed the neighbors about 45 days ago. The original berm heights were between 7 and 12 feet high. He whited out the heights and put in 3 feet because he knew the berms were too high. The Glazebrooks and Huffmans were unhappy with the change because they did not want anything higher than 3 feet off of grade. The house pad is between 2-3 feet higher than grade. So they are asking for 20 foot trees with no berms. He discussed drainage issues as it relates to this request. He noted that neither the Huffmans or Jefferys have ever planted a tree along that property line. When he came to the Planning Commission the second time, one of the concerns expressed by the Environmental Design Committee was too much shading of the Glazebrook property with the use of tall trees. Regarding the color of the structure, they are under the reflectivity value. He did not feel there was much choice in colors (dark brown, dark green, dark gray). They are happy to provide the trees as mentioned. The 12 foot trees on a 3 foot berm making 15 foot Pepper trees. Within three years, that side will be screened. He indicated they would be open to plant a couple more Pepper trees on the south side if that would be helpful. He felt placement is important.

Dot Schreiner, 14301 Saddle Mountain Drive, requested the status of conditions #23, dated August 12, 1998, regarding a pathway easement.

Mr. Korman stated they had signed the dedication documents prior to plan check and returned them to Sheryl Proft, Associate Engineer at the time, and notarized by the Town. However, the document was lost by the Town. They are working with John Chau, Associate Engineer, regarding the dedication paperwork.

Paul Newhagens, 14412 Kingsley Way, was one of the least effected neighbors as they are higher up and have many large trees around their house already. However, there are several slots where the Korman house is very visible. The Kormans have agreed to add several trees in a particular area that will substantially provide screening for them. He would ask that the issue of "Pepper tree" be resolved.

Steve Patrick, applicant's architectural/contractor representative, discussed the 3 foot berms to provide height and interest in the flat areas. Current plans indicate nine large trees being proposed. He heard a comment that the redwood trees are going to be too small and should all be Pepper trees. If this is the desire of the Commission, Dr. Korman would accommodate the request. However, he felt a variegated landscape plan showing mature trees not creating some type of hedge or wall is far more natural. They have not had fences on the site and do not plan on any. Two more Pepper trees could be placed on the south end of the house which would help screen that portion and would not hurt the drainage plan. He did not understand why someone would think a home prior to landscaping screening would effect property value. In three years the trees will completely screen this house, not make it invisible but will give it some texture.

Sandy Humphries, Environmental Design Committee, stated the Committee does not require or request that people make their homes disappear. They request that they be mitigated/softened so they are not so blatant to the neighbors. For the tallest portion of the Korman house they asked for clusters of trees, not a huge barrier of them and to work with the neighbor. She felt Mr. Korman has clearly done this. They also asked for under story plantings and/or vegetation to be certain the areas were well mitigated. She closed by stating the Pepper tree is drought tolerant.

CLOSED PUBLIC HEARING

Commissioner Wong stated the house was unique and when the landscaping is complete it will be an asset to the Town. He would leave it to staff to revise the size and number of trees. He had no major issues. Commissioner Cottrell felt the applicants have made every effort to be reasonable to the neighborhood. He supports a 2-3 foot berm for the Pepper trees as long as the mature canopies do not overlap. Staff can figure out the number. Commissioner Clow felt this was a high impact house and the neighbors are reacting the way you would expect without landscaping. The landscape plan is good. He would recommend two additional trees on the south side as mentioned by the contractor. The idea of a 3 foot berm is a good one and he would also like to reserve for staff the ability to add additional trees if they feel there is a gap. Commissioner Kerns stated this is a unique house however they are not looking at the house but the landscaping. He felt the Kormans have tried to be sensitive to the neighbors and are willing to do additional things to help screen the house. He agreed that the trees along the west side need a 2-3 foot berm under them. He would also like to see two additional trees on the south side and figure out the appropriate placement. He would also like to see one more Pepper tree to create a line of trees there. Chairman Vitu felt the Kormans have done a good job with trying to work with the neighbors to come up with something that, at maturity, will truly screen the house well.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to approve a Site Development Permit for a landscape screening plan, Lands of Korman, 26157 Altadena Drive, with the following additions/changes to the conditions of approval: additional two Pepper trees to the south plus one additional tree to fill in (placement left to staff and landscape architect) on 3 foot berms; and an additional three trees on the northeast corner.

AYES: Chairman Vitu, Commissioners Wong, Kerns, Cottrell & Clow

NOES: None

This approval is subject to a 23 day appeal period.

3.5 LANDS OF ZAGHI, 14542 Yale Court (197-02-ZP-SD-GD); A request for a Site Development Permit for a 2,349 square foot major addition (maximum height 27 feet). (staff-Angelica Herrera)

Staff introduced this item by reviewing the stop-work notice issued for constructing an addition to the existing residence prior to receiving appropriate Planning and Building permits, the owners intent to legalize the unauthorized construction through the Site Development Permit request, the requirement for the landscape screening plan to be viewed by the Commission prior to final inspection to mitigate the view of the addition and pool area from the adjacent neighbors, and requiring a \$10,000 Site Development Code Compliance (SDCC) deposit prior to acceptance of plans for building plan check (condition 7). No previous fines have been imposed.

OPENED PUBLIC HEARING

Nasser Zaghi, 14542 Yale Court, applicant and resident of the Town for 25 years, discussed the termite problems with the balconies, the stop work order, and the windows on balcony in violation of the code. He apologized and stated he could not afford any stress with the City. He thought his house was the ugliest one in all of Los Altos Hills. He is trying to beautify it for his neighbor. He will comply with the Town and do the right thing.

CLOSED PUBLIC HEARING

Discussion ensued regarding the code compliance deposit which will be returned once all conditions of approval are met and all code violations or public nuisances have been corrected to the satisfaction of the Planning Department and City Engineer. Further discussion ensued regarding condition 1. There was a consensus of approval by the Commissioners.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Kerns to approved a Site Development Permit for a 2,349 square fool major addition, Lands of Zaghi, 14542 Yale Court, with the recommended conditions of approval.

AYES: Chairman Vitu, Commissioners Cottrell, Wong, Kerns & Clow

NOES: None

This approval is subject to a 23 day appeal period.

3.6 LANDS OF SPIRTOS, 23801 Camino Hermoso (245-02-ZP-SD); A request for a Site Development Permit for a new driveway access off of Ravensbury Avenue and a request for an exception to the Town's Grading Policy for a proposed vertical cut in excess of 4 feet for the driveway. (staff-Angelica Herrera)

Staff introduced the item with a brief overview and addressing the condition 1 (fence and columns).

OPENED PUBLIC HEARING

John Berry, 1733 Woodside Road, Redwood City, project civil engineer, provided a letter of support from Jerry Rice, who is a regular guest at the Spirtos house, noting some close calls leaving the property. He agreed with the conditions of approval except condition 1, relating to the 4½ foot fence. He provided a photo of the fence stating Dr. Spirtos built the fence in 1989, which includes special posts that are hand chiseled rock done by his Russian uncle, who is now deceased, as a present for the birth of his twins. He would rather not move the columns. The fence is totally covered in landscaping which would be destroyed if the fence was moved. Also it is a protection from deer and keeps his dog in the yard. They were all looking forward to having an access that is safe.

Alan Epstein, Ravensbury Avenue, was in favor of the proposed changes which will improve the access to the property. Also, the fence is not visible from the road so he did not see any issue.

Michael Seely, a frequent visitor, was also in support of the project.

Kelly Spirtos spoke in favor of retaining the fence and columns and to change the driveway access as the current driveway situation is dangerous.

CLOSED PUBLIC HEARING

Commissioner Kerns voiced support of the project, asking for clarification regarding condition 12, number of trees to be removed. Mr. Berry stated the trees to be removed are only the ones indicated on the site plan, no others. Commissioner Kerns noted an advantage is the lowering of development area by 400 feet. Also, even though the cuts exceed the policy, he felt it was done to minimize the impact on trees. Commissioner Kerns suggested working with staff regarding retaining the fence and columns through the variance process. There was a consensus of support with the remaining Commissioners.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns and seconded by Commissioner Clow to approve the request for a Site Development Permit for a new driveway access off of Ravensbury Avenue and a request for an exception to the Town's Grading Policy for a proposed vertical cut in excess of 4 feet for the driveway, Lands of Spirtos, 23801 Camino Hermoso, with recommended conditions of approval, and directing the applicant to work with staff regarding applying for a fence variance for height if they want to retain the fence and columns as located.

AYES: Chairman Vitu, Commissioners Cottrell, Wong, Kerns & Clow

NOES: None

This approval is subject to a 23 day appeal period.

3.7 LANDS OF SHIMMON, 24301 Elise Court (202-02-ZP-SD-GD); A request for a Site Development Permit for a pool and landscaping improvements and a request for exceptions to the Town's Grading Policy for a retaining wall height in excess of 4 feet and a vertical differential from existing grade in excess of 3 feet for a pool and deck. (staff-Angelica Herrera)

Staff introduced this item recommending approval with condition #1, that the applicant shall revise the project to meet the Town's Grading Policy and submit three sets of revised plans to the Planning and Engineering Departments for administrative review and approval. The grading that is proposed is excessive for an accessory structure noting not every property in Town has the topography to accommodate pools, decking, etc. without at least making attempts to meet the Town's grading policy. The original plans actually showed a pool that did meet the Town's grading policy and the question at that point was that the decking did propose retaining walls that were in excess of what is allowed by the grading policy.

OPENED PUBLIC HEARING

Eric Blasen, project landscape architect, provided the old plan for review, if needed. He discussed the proposed design noting the applicants just had a child so they redesigned the plan to include a fence all the way around the pool and gate for safety. The owners also wanted area around the pool for some space. He continued with different scenarios of design layouts that they went through before settling on what is being proposed including lowering the pool site with additional steps. Their goal was to keep the pool as close to the house as possible so they would not be encroaching into the hill.

The Planning Director stated that they allow wall heights of maximum of 4 feet. The setback for retaining walls is not 30 feet but 10 feet so there is no issue with setbacks. They are concerned with precedent. He referred to the Wahl resident on Stonebrook Drive noting terrace retaining walls can work. They may not have a vast expansive flat lawn but it is a hillside property. Staff would prefer a combination of a lower deck and terracing walls. The object is to minimize wall height.

Commissioner Kerns asked if there was any issue with the request for a conservation easement. Eric Blasen was not sure but felt it should not be a problem with the owners.

CLOSED PUBLIC HEARING

Commissioner Kerns directed the applicants to work with staff to either lower the pool or add terrace walls, or a combination of both, to meet the Town's grading policy. Commissioner Clow felt most homeowners on a steep slope would like to build out flat, however, they have ordinances against it. There is no reason to deviate from the grading policy. He would prefer seeing the pool 2-3 feet lower which would be a good way to step down the design so it fits the contours of the property more naturally. Commissioner Cottrell felt if the applicant could meet the ordinance with 4 foot walls and keep a flat deck, he had no problem. If not, they need to look

at lowering the pool deck. Commissioner Wong felt the project should meet the 4 foot maximum requirements and not set a precedent for the rest of the residence. Chairman Vitu agreed with Commissions Cottrell and Wong.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns and seconded by Commissioner Cottrell to approve the request for a Site Development Permit for a pool and landscaping improvements and a request for exceptions to the Town's Grading Policy for a retaining wall height in excess of 4 feet and a vertical differential from existing grade in excess of 3 feet for a pool and deck, Lands of Shimmon, 24301 Elise Court, with recommended conditions of approval. The applicant shall work with staff to meet Town ordinances and to comply with the grading policy.

AYES: Chairman Vitu, Commissioners Clow, Wong, Kerns & Cottrell

NOES: None

This approval is subject to a 23 day appeal period.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS

5.1 Schedule Planning Commission meeting for June 26, 2003

The Planning Director introduced this item noting there may not be a need to schedule a second meeting in June. He will advise the Commission by June 13, 2002.

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for May 15th, Commissioner Cottrell, reported on the following: approval of the garbage, recyclables and yard trimmings collection Franchise Agreement between the Town and Los Altos Garbage Company; View and Sunlight Obstruction from trees ordinance; Housing Element; wood burning appliances; and sewer fees for non-residential sewer connections (new sewer fee rate schedule).
- 6.2 Planning Commission Representative for June 5th, Commissioner Kerns, reported on the following: analysis of Fast Track review program; consideration of agreement between Peter Duxbury, Duxbury Architects and the Town of Los Altos Hills for architectural services for the new Town Hall; and the Ad-Hoc Pathway Easement Committee's findings and appropriate follow-up action
 - 6.3 Planning Commission Representative for June 19th Commissioner Wong
 - 6.4 Planning Commission Representative for July 3rd cancelled

7. <u>APPROVAL OF MINUTES</u>

7.1 Approval of May 8, 2003 minutes

PASSES BY CONSENT: To approve the May 8, 2003 minutes.

8. REPORT FROM FAST TRACK MEETING –MAY 13 2003

- 8.1 LANDS OF ARNHEIM, 14241 Miranda Road (14-03-ZP-SD); A request for a Site Development Permit for a 5,192 square foot new residence (maximum height 22 feet) and pool. Approved with conditions.
- 8.2 LANDS OF HUANG, 12500 Barley Hill Road (18-03-ZP-SD); A request for a Site Development Permit for a 5,365 square foot new residence (maximum height 24.5 feet). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING –MAY 20 & 27, 2003

- 9.1 LANDS OF SANTORA, 12008 Finn Lane (54-03-ZP-SD); A request for a Site Development Permit for a 1,977 square foot cabana (maximum height 15' 3") and a 1,143 square foot pool. Approved with conditions.
- 9.2 LANDS OF YANEZ, 26171 Moody Road (78-03-ZP-SD); A request for a Zoning Permit for a fence and a variance for a 5' 9" (50 percent open) entry gate and two 6' 3" stucco columns located 41 feet from the center line of Moody Road. Approved with conditions.
- 9.3 LANDS OF PEARCE, 14000 Miranda Road (71-03-ZP-VAR); A request for a Zoning Permit for a fence and a variance to allow a 5 foot chain link fence to be located 30 feet from the centerline of Fremont Road and Miranda Road. Approved with conditions.

10. <u>ADJOURNMENT</u>

The meeting was adjourned by consensus at 9:45 p.m.

Respectfully submitted,

Lani Smith Planning Secretary